

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicants:** Murphy *et al.*

**Conf. No.:** 5180

**Serial No.:** 10/047,307

**Art Unit:** 3692

**Filing Date:** 01/15/2002

**Examiner:** Liversedge, Jennifer L.

**Title:** METHOD AND SYSTEM FOR  
RECEIVING AN ALERT CODE IN  
A COMMERCIAL TRANSACTION

**Docket No.:** END920010094US1  
(IBME-0029)

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION UNDER 37 C.F.R. 1.131**

We, the Applicants in the above-identified patent application, declare as follows:

1. That we are the inventors of the subject matter described and claimed in the above-identified patent application.
2. That prior to June 7, 2001, we conceived of a method for receiving an alert code in a commercial transaction, comprising the steps of: using a transactional device used for a making payment in a commercial transaction; and receiving an alert code attached to transaction data for the commercial transaction indicating receipt of a message personally directed from a third party sender that is not involved in the commercial transaction to a user of the transactional device, the contents of the message being independent from the commercial transaction.
3. That prior to June 7, 2001, we conceived of a method for receiving an alert code in a commercial transaction, comprising the steps of: contacting a message center with a message

from a third party sender that is not involved in the commercial transaction; using a transactional device in a commercial transaction; identifying an intended recipient of the message; attaching an alert code to transaction data for the transaction, wherein the alert code is unrelated to the transaction; receiving the alert code attached to the transaction data; and retrieving the message in response to the received alert code.

4. That prior to June 7, 2001, we conceived of a system for receiving an alert code in a commercial transaction, comprising: a message reception system for receiving a message from a third party sender that is not involved in the commercial transaction; a recipient identification system for identifying an intended recipient of the message based upon use of a transactional device during a commercial transaction; an attachment system for attaching an alert code to transaction data for the transaction; and a message transmission system for transmitting the received message.

5. That prior to June 7, 2001, we conceived of a program product stored on a recordable medium for receiving an alert code in a commercial transaction, which when executed, comprises: program code configured to receive a message from a third party sender that is not involved in the commercial transaction; program code configured to identify an intended recipient of the message based upon use of a transactional device during a commercial transaction; program code configured to attach an alert code to transaction data for the commercial transaction; and program code configured to transmit the received message.

6. That the present invention is described in a Disclosure of Invention (Exhibit "A") submitted to the IBM Corporation Patent Department on February 14, 2001, specifically, Pages 2 and 3.

7. That, subsequent to the conception of the invention, and up until the patent application filing date of January 15, 2002, we diligently and actively assisted the IBM Corporation Patent Department in the planning, preparation, review, and filing of the above-identified patent application.

Declarants further state that the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

Date: *March 13, 2008*

*Thomas E. Murphy*  
\_\_\_\_\_  
Thomas E. Murphy, Jr.

Date:

\_\_\_\_\_  
Francine M. Orzel

Date:

\_\_\_\_\_  
Alice D. Rostedt

7. That, subsequent to the conception of the invention, and up until the patent application filing date of January 15, 2002, we diligently and actively assisted the IBM Corporation Patent Department in the planning, preparation, review, and filing of the above-identified patent application.

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Date:

\_\_\_\_\_  
Thomas E. Murphy, Jr.

Date: 04-01-2008

  
\_\_\_\_\_  
Francine M. Orzel

Date:

\_\_\_\_\_  
Alice D. Rostedt

7. That, subsequent to the conception of the invention, and up until the patent application filing date of January 15, 2002, we diligently and actively assisted the IBM Corporation Patent Department in the planning, preparation, review, and filing of the above-identified patent application.

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Date:

\_\_\_\_\_  
Thomas E. Murphy, Jr.

Date:

\_\_\_\_\_  
Francine M. Orzel

Date: 3/11/08

  
\_\_\_\_\_  
Alice D. Rostedt

**Disclosure END8-2001-0046**

Prepared for and/or by an IBM Attorney - IBM Confidential

Created By: Thomas Murphy Jr Created On: 02/14/2001 04:50:25 PM

Last Modified By: Thomas Murphy Jr Last Modified On: 02/15/2001 08:46:35 AM

Required fields are marked with the asterisk (\*) and must be filled in to complete the form.

**\* Title of disclosure (in English)**

Business Method to Encode Customized Authorization Code to Alert User

**Summary**

Status	Under Evaluation
Processing Location	END
Functional Area	SD-(MORELLI) Software Programming
Attorney/Patent Professional	William Schiesser/Endicott/IBM
IDT Team	Edward Stavara/Endicott/IBM
Submitted Date	02/14/2001 05:38:28 PM EST
Owning Division	SD
Incentive Program	
Lab	MORELLI
Technology Code	
PVT Score	24

**Inventors with Lotus Notes IDs**

Inventors: Thomas Murphy Jr/Endicott/IBM, Alice Rostedt/Endicott/IBM, Fran Orzel/Endicott/IBM

Inventor Name	Inventor Serial#	Div/Dept	Inventor Phone	Mangock Name
> Murphy Jr, T.E.'AS/400' (Thomas)	168024	71/GZPA	852-5482	Robyck, F.J. (Frank)
Rostedt, A.D. (Alice)	179296	71/GZLA	852-5479	Morelli, P.S. (Peter)
Orzel, F.M. (Francine)	017221	71/GZPA	852-2173	Robyck, F.J. (Frank)

&gt; denotes primary contact

**Inventors without Lotus Notes IDs****IDT Selection**

Select Functional Area

IDT Team: Edward Stavara/Endicott/IBM	Attorney/Patent Professional: William Schiesser/Endicott/IBM
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Response Due to IP&L : 03/15/2001

**\*Main Idea**

1. Describe your invention, stating the problem solved (if appropriate), and indicating the advantages of using the invention.

We encountered a problem today when our Lab Director having left for a cross country vacation was unreachable. His family called our secretary to try and reach him regarding a "death in the family". Although the itinerary was available, telephone calls to the hotel in question were fruitless. They insisted that he wasn't registered there, nor was there any indication that he was expected. Hence... the dilemma.. how to reach them.

The "business methods" invention proposes that the Credit Card or Debit Card companies provide a "message center" service that the card holder can register for... (or provide gratis to their business travelers as an incentive for selecting their card). Optionally, the business traveler could give their family or colleagues the message center telephone number and an identification number that could be used for registering messages against their account.

During the course of the trip, the average traveler using their credit card would be "alerted through the customized authorization code" to the need to contact the card holder's message center. (A telephone number imprinted on the back of their card.) In addition to the normal authorization code.. therein, not changing the existing authorization scheme...

An example could be an authorization code with a "911" appended or prepended to the Authorization code... This would enable standard equipment to satisfactorily handle the traffic as normal digits.. not necessarily reading any significance into the code. Additionally, with virtually every card transaction the user's receipt typically encodes the "Authorization Number". A broader implementation could enable customized equipment that could possibly "recognize" the codes and consciously alert a clerk or card user to any special situations.. that weren't necessarily limited to the specific embodiment proposed.

The invention would be applicable to various cards... for example, Visa, Master Card, American Express, as well as National Retailers like JC Penney, Home Depot, etc.... Debit Cards, as well as Grocery Discount Cards...

The Patent Disclosure was reviewed with Bill Schiesser of IP Law Endicott, NY on 2/14/2001 and he encouraged the submission of this disclosure as a Business Methods related special incentive consideration. CALLED TOM MURPHY ON 8 MAR 2001, AND TOLD HIM THAT AFTER REVIEWING THE DISCLOSURE I FELT THAT IT DID NOT CONSTITUTE A BUSINESS METHOD. TOM WAS OK WITH THAT.

2. How does the invention solve the problem or achieve an advantage, (a description of "the invention", including figures inline as appropriate)?

In the real life example we experienced today... The person traveling could have (in effect) checked his messages while awaiting a flight connection having lunch at the airport... simply by having purchased anything from chewing gum to a cup of coffee at an airport concession or lunch counter. He could have been alerted by the clerk, or could have consciously read his authorization number therein noticing the alert.. and followed up with a call to the card providers "message center" for details.

There's no dependence on Cellular Phones, nor Pagers, etc...

3. If the same advantage or problem has been identified by others (inside/outside IBM), how have those others solved it and does your solution differ and why is it better?  
I'm not aware of any implementations in or out of IBM.

4. If the invention is implemented in a product or prototype, include technical details, purpose, disclosure details to others and the date of that implementation.  
It is not implemented in a product or prototype.

**\*Critical Questions (Questions 1-9 must be answered)**

**\*Question 1**

On what date was the invention workable? 02/14/2001 Please format the date as MM/DD/YYYY  
(Workable means i.e. when you know that your design will solve the problem)

**\*Question 2**

Is there any planned or actual publication or disclosure of your invention to anyone outside IBM?

☐ Yes

☒ No

If yes, Enter the name of each publication or patent and the date published below.

Publication/Patent:

Date Published or Issued:

Are you aware of any publications, products or patents that relate to this invention?

☐ Yes

☒ No

If yes, Enter the name of each publication or patent and the date published below.

Publication/Patent:

Date Published or Issued:

**\*Question 3**

Has the subject matter of the invention or a product incorporating the invention been sold, used internally in manufacturing, announced for sale, or included in a proposal?

☐ Yes

☒ No

Is a sale, use in manufacturing, product announcement, or proposal planned?

☐ Yes

☒ No

If Yes, identify the product if known and indicate the date or planned date of sale, announcements, or proposal and to whom the sale, announcement or proposal has been or will be made.

Product:

Version/Release:

Code Name:

Date:

To Whom:

If more than one, use cut and paste and append as necessary in the field provided.

**\*Question 4**

Was the subject matter of your invention or a product incorporating your invention used in public, e.g., outside IBM or in the presence of non-IBMers?

If yes, give a date. Please format the date as MM/DD/YYYY

☐ Yes

☒ No

**\*Question 5**

Have you ever discussed your invention with others not employed at IBM?

☐ Yes

☒ No

If yes, identify individuals and date discussed. Fill in the text area with the following information, the



names of the individuals, the employer, date discussed, under CDA, and CDA #.

**\*Question 6**

Was the invention, in any way, started or developed under a government contract or project?

- ☐ Yes  
☒ No  
☐ Not sure

If Yes, enter the contract number

**\*Question 7**

Was the invention made in the course of any alliance, joint development or other contract activities?

- ☐ Yes  
☒ No  
☐ Not Sure

If Yes, enter the following (in English):

Name of Alliance, Contractor or Joint Developer

Contract ID number

Relationship contact name

Relationship contact E-mail

Relationship contact phone

**\*Question 8**

Have you, or any of the other inventors, submitted this same invention disclosure or similar invention disclosure previously?

- ☐ Yes  
☒ No

If Yes, please provide disclosure number below:

**\*Question 9**

Are you, or any of the other inventors, aware of any related inventions disclosures submitted by anyone in IBM previously?

- ☐ Yes  
☒ No

If Yes, please provide the docket or disclosure number or any other identifying information below:

**Question 10**

What type of companies do you expect to compete with inventions of this type? *Check all that apply.*

- ☐ Manufacturers of enterprise servers  
☐ Manufacturers of entry servers  
☐ Manufacturers of workstations  
☐ Manufacturers of PC's  
☐ Non-computer manufacturers  
☐ Developers of operating systems  
☒ Developers of networking software  
☒ Developers of application software  
☒ Integrated solution providers  
☒ Service providers  
☒ Other (Please specify below)

Business to Consumer related services, Credit Card Carriers, Debit Card Carriers, National or Regional Retailers that use Credit

Card type transactional payment option.

**Question 11**

If the invention relates to a product or service that is outside the scope of your business unit, please recommend IBM business unit(s), IBM location(s) or individual(s) within IBM that you think would provide a good evaluation of your invention:

Not Sure.... possibly IBM Credit Corp...

**Patent Value Tool (Optional - this may be used by the inventor and attorney to assist with the evaluation)**  
(The Patent Value tool can be used by the inventor(s) to determine the potential licensing value of your invention.)

These are the answers which were entered into the Patent Value Tool. If you would like to modify these answers and recalculate the PVT score, click on the 'Calculate' button.

**Market**

What is the anticipated annual market size (in dollars) that will be captured by your invention?  
\$100M to \$1B

**CLAIMS**

**Question 1 - How new is the technical field?**

Existing

**Question 2 - How central is the invention to the product(s) which might be expected to contain the invention?**

Main

**Question 3 - What is the scope of the claim?**

Broad

**PORTFOLIO NEED**

What are the portfolio needs in the area of your invention?

Unlisted

Reason(s) for above Answer ?

**EXPLOITATION & ENFORCEMENT**

**Question 1 - How easily can the use of the invention by a competitor be detected?**

Trivially

**Question 2 - How easily can the use of the invention be avoided by a competitor?**

Easily

Reason(s) for above Answer They'd simply avoid implementing the extended Customized Authorization protocol.

**BUSINESS VALUE**

**Question 1 - What percentage of the companies producing products in the field of this invention might use this invention?**

Broadly cloned

**Question 2 - What is the value of this patent to current or anticipated Alliance Activity between IBM and other companies?**

None anticipated

Reason(s) for above Answer Not sure....

**Question 3** - What is the value of this patent to current or anticipated Technology Transfer Activity between IBM and other companies?

None anticipated

**Question 4** - Does it result in prestige to IBM?

Prize potential

**Post Disclosure Text & Drawings**

Enter any additional information relating to this disclosure below:

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(Form Revised 12/17/97)